

Department of Community Planning and Economic Development
Variance
BZZ 6400

Date: January 23, 2014

Applicant: Renovo Investments, LLC

Address of Property: 3520 46th Street West

Contact Person and Phone: Steve Pricco, (612) 396-8831

CPED Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: December 31, 2013

End of 60-Day Decision Period: March 1, 2014

Ward: 13 **Neighborhood Organization:** Linden Hills Neighborhood Council

Existing Zoning: R1 Single-Family District

Existing Overlay District: Not applicable

Zoning Plate Number: 29

Proposed Use: A new second-story addition and new open front porch to an existing single-family dwelling

Variance: to reduce the front yard setback along 46th Street West from 25 feet to approximately 4 feet to allow for an addition and open front porch to an existing single-family dwelling.

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the minimum yard requirements, including permitted obstructions...” and Chapter 546 Residence Districts

Background: The subject property is approximately 82 feet by 44.5 feet (3,485 square feet). There is an existing single-family dwelling was permitted for construction on the property in 1922, on the east half of Lot 10. The same year, another single-family dwelling was constructed on the west half of Lot 10. Both parcels are substandard in comparison to the majority of the adjacent properties on the block.

The existing single-family dwelling is located approximately 4 feet from the front property line along 46th Street West. The applicant is proposing to construct a second story addition over the existing first floor and a new open front porch along the west

elevation of the dwelling. The minimum front yard setback in the R1 Single-Family district is 25 feet. Therefore, the applicant has requested a variance to reduce the front yard setback along 46th Street West from 25 feet to approximately 4 feet to allow for an addition and open front porch to an existing single-family dwelling.

Staff has not received correspondence from the Linden Hills Neighborhood Council. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: to reduce the front yard setback along 46th Street West from 25 feet to approximately 4 feet to allow for an addition and open front porch to an existing single-family dwelling.

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the variance is requested are unique to the parcel of land due to the size of the existing lot and the location of the dwelling. The minimum required front yard setback in the R1 District is 25 feet and the existing house is located approximately 4 feet from the front property line. The applicant is proposing to add a second story addition, directly above the existing first floor and a new open front porch along the west building elevation. These circumstances have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is seeking a variance to reduce the front yard setback along 46th Street West from 25 feet to approximately 4 feet to allow for an addition and open front porch to an existing single-family dwelling. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The adjacent structures on the east and west sides of the property are detached garages; one is shared with the adjacent neighbor to the west. The maximum gross floor area allowed in the R1 District is either .5 or 2,500 square feet, whichever is greater. The proposed gross floor area will be 2,016 square feet or .58. The proposed addition is less than 2,500 square feet and meets the zoning code. Therefore, staff finds that the proposed addition and open front porch would allow for reasonable use of the property consistent with the spirit and intent of the ordinance and the comprehensive plan.

3. **The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff finds that the granting of this variance would not negatively alter the essential character of the area or be injurious to the use or enjoyment of other property in the vicinity. The proposed addition will be directly above the existing first floor. The proposed open front porch will face the yard between the existing dwelling and shared detached garage. The existing dwelling is located approximately 4 feet from the front property line and has been located here since it was constructed 1922. The applicant is proposing to reside the existing dwelling and the proposed addition will be Smart-Side wood siding. In 2009, the City of Minneapolis adopted a text amendment to require specific design guidelines for open front porches. The zoning code requires that an open front porch not be enclosed with windows, screens or walls, but may include handrails not more than three feet in height and not more than 50 percent opaque. Further, the finish of the porch shall match the finish of the dwelling or the trim on the dwelling and not be raw or unfinished lumber.

If granted, the proposed variances will not be detrimental to the health, safety or welfare of the public or those utilizing the property as long as it is constructed to current building codes. The proposed porch and stairs will be required to receive a building permit prior to construction.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt staff findings and **approve** the variance to reduce the front yard setback along 46th Street West from 25 feet to approximately 4 feet to allow for an addition and open front porch to an existing single-family dwelling located at 3520 46th Street West in the R1 Single-Family District, subject to the following conditions of approval:

1. Approval of the final site, elevation and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by January 9, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The exterior materials of the existing dwelling and proposed addition shall be consistent on all sides.
4. The handrails shall not exceed 3 feet in height or be more than 50 percent opaque.

5.The finish of the porch shall match the finish of the dwelling or the trim on the dwelling.

6.Raw or unfinished lumber shall not be permitted on an open front porch.

Attachments:

1. Written descriptions and findings submitted by the applicant
2. Letters to Council Member Palmisano and Linden Hills Neighborhood Council
3. Zoning map
4. Hennepin County plat map
5. Existing survey
6. Proposed development plan/site plan
7. Building elevations
8. Floor plans
9. Photos of the existing property